



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

July 10, 2014

Ms. Carol Butcher
Butcher's Scrap & Metal, Inc.
108 L Street
Hoquiam, WA 98550-2313

RE: Immediate Action Required
Dangerous Waste Compliance Inspection at Butcher's Scrap & Metal, Inc. on
June 25, 2014
ERTS: 647458, Facility Site No: 28206

Dear Ms. Butcher:

Ecology recently inspected Butcher's Scrap & Metal, Inc. located at 1313 Western Ave. in Aberdeen. We inspected the site in response to a complaint that alleged oily waste and spent antifreeze had been spilled to the ground. This sort of release is a violation of the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC).¹ This letter addresses our observations and is being forwarded to you as the registered President and Agent of Butcher's Scrap & Metal, Inc.

Our inspection on June 25, 2014 confirmed that oily waste and contaminants have been released to soil. Our observations were further confirmed through analytical results that showed extremely high PCB concentrations.² Several new samples were collected during our inspection to further evaluate site contamination. I will forward the analytical results to you when they become available. In the mean time, **the following actions must be taken immediately upon receipt of this letter:**

1.) WAC 173-303-145(3): For spills and discharges, the responsible person must take appropriate mitigation and control actions.

Observations:

- Oily waste and other fluids had accumulated inside a metal auto rack, and on the soil surrounding this unit. In some places this waste was several inches deep, and puddled on the surface.

¹ The Dangerous Waste Regulations can be found at: www.ecy.wa.gov/programs/hwtr/reg_comp_guide/173-303.HTM. Please contact me if you would like a hard-copy of the regulations.

² Soil was sampled by Ecology's Water Quality Program on March 19, 2014 and analytical results were provided on April 27, 2014. These results showed over 100 ppm PCB in at least one sample, causing the soil to designate as a regulated waste under the federal Toxic Substances Control Act.

- Oily waste had accumulated in the soil in the center cutting area, so much so that the subsurface appeared saturated.
- Oily waste had accumulated in the soil in the southwest and south center of the yard. Oily waste had also accumulated on the surface soil and vegetation in a drainage ditch that outlined the north east corner of the property.

Required Action: **Immediately** cease discharging oily waste and contaminants to the soil, and contain liquid waste around the auto rack. Place all waste in containers that are labeled "waste pending designation" and keep these containers closed except when adding or removing waste. **Within thirty (30)-days** of receipt of this letter, clean up contaminated soil and place it in containers, covered roll-off bins, or yard sacks that are labeled "waste pending designation" and keep these container closed except when adding or removing waste. Provide documentation, such as a report, photos or a letter, to show that appropriate action has been taken within the given timelines.

2.) WAC 173-303-170(1) and by reference 070(3): Sites must properly designate solid waste prior to disposal.

Observations:

- Two above-ground tanks were located near the auto rack. These tanks contained liquids that may be a mixture of used oil, antifreeze, gasoline, and other oily waste. The designation of these wastes is unknown.
- Three 55-gallon drums were located in a shed near the auto rack. These drums contained liquids that may be a mixture of used oil, antifreeze, gasoline, and other oily waste. The designation of these wastes is unknown.

Required Action: **Immediately** label these containers/tanks as "waste pending designation," and keep the containers closed except when adding or removing waste. **Within thirty (30) days** of receipt of this letter, designate the waste through analytical testing and review. Provide documentation that the wastes have been designated, including copies of the analytical results. NOTE: WAC 173-303-070(3)(c) allows you to use your knowledge in the designation process only when that knowledge can be demonstrated to be sufficient to designate the waste. In this case, given the lack of waste management and control, testing will be required as specified in WAC 173-303-070(4).

Failure to take action as directed above, or failure to correct the deficiencies that were observed during the June 25, 2014 inspection may result in an administrative order, a penalty, or both, as provided by the Hazardous Waste Management Act (RCW 70.105.080 and/or .095). Persons who fail to comply with any provision of this chapter are subject to penalties of up to ten thousand dollars per day per violation.

I highly recommend that you hire a consultant to help you designate and properly dispose of wastes. I've attached a list of local service providers, and I am also available to help collect samples if you arrange to have them received at a laboratory. I am also able to coordinate with other Ecology programs as needed; that is, I understand that Butcher's Scrap & Metal was previously directed to clean up oil spills in an April 14, 2014 field citation issued by Ecology's Water Quality, Industrial

Carol Butcher
July 10, 2014
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Butcher's Scrap & Metal, Inc.
ERTS#: 647458
Inspection Date: June 25, 2014

Stormwater Program (attached). Also, Ecology's Toxics Cleanup Program referred you to their Voluntary Cleanup Program (VCP) after the property was determined to Rank #1 on their Hazardous Sites list.³

Please contact me at (360) 407-6348 or at Dee.Williams@ecy.wa.gov if you have questions or need further information.

Sincerely,



Dee Williams, Inspector
Hazardous Waste and Toxics Reduction Program

Enclosures: List of Service Providers, Ecology's Water Quality Notice to Comply

By certified mail:

91 7199 9991 7032 9240 7617

cc: Kevin Hancock, Ecology SWRO Water Quality Program (khan461@ecy.wa.gov)
Kirsten Alvarez, Ecology SWRO Toxics Cleanup Program (kalv461@ecy.wa.gov)

³ This public ranking is referenced at: <https://fortress.wa.gov/ecy/publications/publications/1409042a.pdf>



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HW Directory Service: Soil and Groundwater Remediation

<input checked="" type="checkbox"/>	Name	City	Phone	Contact
Details	Able Cleanup Technologies	Spokane	(509) 466-5255	Kipp Silver
Details	ADT Environmental Solutions	Canby	(877) 265-3395	Ken Pepperling
Details	Arcadis US Inc.	Liberty Lake	(509) 535-7225	Kevin Freeman
Details	BB&A Environmental (formerly Bergeson-Boese and Associates)	Wilsonville	(503) 570-9484	Randall J. Boese
Details	BB&A Environmental (formerly Bergeson-Boese and Associates)	Wilsonville	(503) 570-9484	Randall J. Boese
Details	BEFOR Environmental, Inc.	Portland	(503) 408-7404	John Peterson
Details	Big Sky Industrial	Spokane	(509) 624-4949	Mike Broderius
Details	Blue Mountain Environmental & Consulting	Waitsburg	(509) 520-8197	Ryan Kelso
Details	Budinger and Associates	Spokane Valley	(509) 535-8841	Steve Burchett
Details	Bureau Veritas	Seattle	(206) 763-7364	Tom Mergy
Details	CCS (a division of PNE Corp.)	Longview	(360) 423-6316	Doug Richter
Details	Chemical Waste Management	Arlington	(800) 685-8001	Jim Beck
Details	Clean Harbors	SeaTac	(800) 645-8265	Leslie Nash
Details	Columbia Analytical Services	Kelso	(360) 501-3294	Lynda Huckestein
Details	Creekside Environmental Consulting	Tualatin	(503) 692-8118	Brent Jorgensen
Details	Empirical Company	Kennewick	(509) 735-1848	Edward DeLorme
Details	EnCo Environmental Corporation	Puyallup	(253) 841-9710	Jonathon Kemp
Details	Enviro Science	Spokane	(509) 536-9676	Jeff Lambert
Details	Environmental Partners	Issaquah	(425) 395-0016	Doug Kunkel
Details	EQ (Environmental Quality Company)	Wayne	(800) 592-5489	Jason Fici
Details	First Strike Environmental	Roseburg	(800) 447-3558	Isaac Adevai or Judy McLaughlin
Details	Galloway Environmental	Sammamish	(425) 688-8852	Gary Galloway
Details	Granite Construction	Everett	(425) 551-3100	James Essig
Details	GRI	Vancouver	(360) 213-1690	George Freitag, LEG
Details	Hahn and Associates	Portland	(503) 796-0717	Gary Hahn
Details	Hart Crowser	Seattle	(206) 324-9530	Mike Ehlebracht
Details	HAZCO Environmental Services	Richmond	(800) 561-0011	Mike Bean
Details	HWA GeoSciences	Bothell	(425) 774-0106	Amie Sugar
Details	Innovac	Edmonds	(800) 945-4081	Chris Herbert
Details	KEE Environmental	Sammamish	(206) 914-4989	Keehoon Pak
Details	Kennedy Jenks Consultants	Federal Way	(253) 874-0555	Ty C. Schreiner
Details	Kleinfelder	Redmond	(425) 636-7900	Jim Fleetwood
Details	Landau Associates	Edmonds	(425) 778-0907	Steve Johnston (CEO)
Details	Marine Vacuum Service	Seattle	(800) 540-7491	Tom Myler
Details	NetCompliance	Vancouver	(360) 699-4015	Naresh Singh
Details	NRC Environmental Services	Kent	(253) 872-8988	Keith Gehring
Details	O'Neill Environmental Services	Issaquah	(425) 369-9008	Dennis O'Neill
Details	Parametrix	Auburn	(425) 458-6200	Dwight Miller
Details	PBS Engineering and Environmental	Seattle	(206) 233-9639	Brian Stanford
Details	PRS (Petroleum Reclaiming Service)	Tacoma	(253) 383-4175	Jay or Tom
Details	PSC Environmental Services (formerly Philip Environmental Services)	Washougal	(800) 547-2436	Stacy Toristoja
Details	Regional Disposal (RABANCO)	Seattle	(206) 652-8893	Teresa Dillashaw
Details	Sarva Bio Remed	Greenville	(662) 378-0383	Satya Ganti
Details	Shaw Environmental	Bothell	(425) 402-3208	Chris Generous
Details	Stantec	Portland	(503) 297-1631	Ross Simmons
Details	Sterling Technologies	Vancouver	(360) 576-6331	Thomas Nadenmann
Details	Tetra Tech (ex SCM Consultants)	Kennewick	(509) 783-1861	Michael Baker
Details	Univar USA	Redmond	(800) 909-4897	Tim Shannon
Details	URS Corporation	Seattle	(206) 438-2700	Azalea Johnson
Details	Waste Management Northwest	Kirkland	(800) 592-9995	call center



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HW Directory Service: Labs and Testing Services

<input checked="" type="checkbox"/>	Name	City	Phone	Contact
Details	Able Environmental LLC	Tacoma	(253) 566-5818	Heidi Hamilton
Details	ADT Environmental Solutions	Canby	(877) 265-3395	Ken Pepperling
Details	ALS Laboratory Group	Everett	(425) 356-2600	Rick Bagan
Details	ALS Laboratory Group	Everett	(425) 356-2600	Rick Bagan
Details	Am Test Laboratories	Kirkland	(425) 885-1664	Kathy Fugiel or Aaron Young
Details	Analytical Chemistry	Tukwila	(206) 622-8353	Mia Sazon
Details	Analytical Chemistry	Tukwila	(206) 622-8353	Mia Sazon
Details	Analytical Resources	Tukwila	(206) 695-6200	Susan Dunnihoo
Details	Anatek Labs	Spokane	(509) 838-3999	Kathy Sattler
Details	BB&A Environmental (formerly Bergeson-Boese and Associates)	Wilsonville	(503) 570-9484	Randall J. Boese
Details	BB&A Environmental (formerly Bergeson-Boese and Associates)	Wilsonville	(503) 570-9484	Randall J. Boese
Details	Blue Mountain Environmental & Consulting	Waitsburg	(509) 520-8197	Ryan Kelso
Details	Brooks Rand Labs LLC	Seattle	(206) 632-6206	Michelle Briscoe
Details	Cascade Analytical	Wenatchee	(800) 545-4206	Laura Mrachek
Details	CCS (a division of PNE Corp.)	Longview	(360) 423-6316	Doug Richter
Details	Columbia Analytical Services	Kelso	(360) 501-3294	Lynda Huckestein
Details	Dragon Analytical Lab (accreditation # C890)	Olympia	(360) 866-0543	Robert Lewis
Details	EQ (Environmental Quality Company)	Wayne	(800) 592-5489	Jason Fici
Details	Essco Safety Check	Redmond	(425) 749-4136	Seth Goldberg
Details	Evergreen Analytical Services	Redmond	(425) 882-2672	Craig Delphey
Details	FBN Enterprises	Bellevue	(425) 466-9642	Mike Wilgus
Details	Frontier Global Sciences	Seattle	(206) 622-6960	Patrick
Details	Hart Crowser	Seattle	(206) 324-9530	Mike Ehlebracht
Details	HWA GeoSciences	Bothell	(425) 774-0106	Arnie Sugar
Details	Kleinfelder	Redmond	(425) 636-7900	Jim Fleetwood
Details	Nautilus Environmental	San Diego	(858) 587-7333	(858) 587-7333 extension 202
Details	NVL Laboratories	Seattle	(206) 547-0100	Shaista Khan
Details	On-Site Environmental	Redmond	(425) 883-3881	Blair Goodrow
Details	Orion Environmental Services	Federal Way	(253) 952-6717	Donna McNeal
Details	Pace Analytical Services, Seattle	Seattle	(206) 767-5060	Regina Ste-Marie
Details	Phoenix Environmental Services	Tacoma	(253) 779-8474	Mark Bridges
Details	Professional Service Industries	Mountlake Terrace	(425) 248-2400	Duston Thompson
Details	PSC Environmental Services (formerly Philip Environmental Services)	Washougal	(800) 547-2436	Stacy Toristoja
Details	RGA Environmental	Seattle	(206) 281-8858	Wendy Newell
Details	Safety Kleen Systems	Auburn	(916) 338-1650	Jeffrey Antrim
Details	Saybolt	Tukwila	(425) 656-3663	Dreyfus Brown
Details	Spectra Laboratories	Tacoma	(253) 272-4850	Marie Holt
Details	Sterling Technologies	Vancouver	(360) 576-6331	Thomas Nademann
Details	Strata Inc.	Spokane	(509) 891-1904	Chris Comstock
Details	SVL Analytical	Kellogg	(800) 597-7144	Chris Meyer or Dave Waisman
Details	Test America Laboratories	Tacoma	(253) 922-2310	Terri Torres
Details	Thomas M. Laronge, Inc.	Vancouver	(360) 254-1213	Tom Laronge
Details	Twiss Analytical Labs	Poulsbo	(360) 779-5141	Becky Twiss
Details	Univar USA	Redmond	(800) 909-4897	Tim Shannon



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HW Directory Service: Spill Cleanup Services and Supplies

<input checked="" type="checkbox"/>	Name	City	Phone	Contact
Details	"Suck it Up"	Spokane	(509) 216-7858	Les Kutty
Details	Able Cleanup Technologies	Spokane	(509) 466-5255	Kipp Silver
Details	Absorption Corporation	Ferndale	(360) 734-7415	Shawn Dooley
Details	Advanced Environmental Solutions	Kent	(800) 275-3549	Adam Whitehall or Tracy Stone
Details	Buying Network	Seattle	(206) 764-5560	Clay Peil
Details	CCS (a division of PNE Corp.)	Longview	(360) 423-6316	Doug Richter
Details	Clean Harbors	SeaTac	(800) 645-8265	Leslie Nash
Details	Denios Inc.	Louisville	(800) 216-7776	Linda Martin
Details	Emerald Services	Seattle	(206) 832-3031	Steve Cook
Details	Enco Industries	Plastow	(603) 382-8481	Dylan Drelick
Details	Enviromet	Vancouver	(800) 590-2436	Carol Hawley
Details	FBN Enterprises	Bellevue	(425) 466-9642	Mike Wilgus
Details	First Strike Environmental	Roseburg	(800) 447-3558	Isaac Adevai or Judy McLaughlin
Details	Hydraulics Plus	Spokane	(800) 653-9464	whoever answers
Details	Innovac	Edmonds	(800) 945-4081	Chris Herbert
Details	Labelmaster	Chicago	(800) 621-5808	Ed Sieracki
Details	Marine Vacuum Service	Seattle	(800) 540-7491	Tom Myler
Details	NRC Environmental Services	Kent	(253) 872-8988	Keith Gehring
Details	Parker Ag Services	Limon	(719) 775-9870	Mike Scharp
Details	Pelican Fueling	Pasco	(509) 545-1388	Dan Hatch
Details	Phoenix Environmental Services	Tacoma	(253) 779-8474	Mark Bridges
Details	PSC Environmental Services (formerly Philip Environmental Services)	Washougal	(800) 547-2436	Stacy Toristoja
Details	Rineco Chemical Industries	Benton	(800) 377-4692	Amy Corvin
Details	Safety Kleen Systems	Auburn	(916) 338-1650	Jeffrey Antrim
Details	Univar USA	Redmond	(800) 909-4897	Tim Shannon
Details	URS Corporation	Seattle	(206) 438-2700	Azalea Johnson
Details	West Coast Marine Cleaning	Vancouver	(360) 696-3362	Robert Baker



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

April 15, 2014

Ms. Lisa Middleton
Butcher's Scrap & Metal, Inc.
108 L. Street
Hoquiam, WA 98550

Re: NPDES Permit Number WAR001957

Dear Ms. Middleton:

Enclosed is the report from the Department of Ecology's recent Industrial Stormwater NPDES General Permit compliance inspection conducted at your facility on March 19, 2014. I would like to thank you for the time you spent with me during my visit.

It should be noted that there were significant violations of the permit at the time of the inspection. These violations resulted in formal enforcement by the Department.

Please contact me at (360) 407-6298 or Kevin.Hancock@ecy.wa.gov if you have any questions, comments or would like additional technical assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Hancock", is written over a horizontal line.

Kevin Hancock
Industrial Stormwater Facility Manager
Southwest Regional Office
Water Quality Program

Enclosure: Industrial Stormwater Inspection Report

cc: Marc Pacifico, Ecology
Kristen Alvarez, Ecology



Water Compliance Inspection Report

Section A: National Data System Coding (i.e., PCS)

Transaction Cod		NPDES		yr/mo/dy		Inspection Type		Inspector		Facility Type	
1	N	5		W	A R00	1957		2014	03	14	
						Remarks					
21											66
Inspection Work Days		Facility Self-Monitoring Evaluation Rating				B1	QA	Reserved-----			
67				69		70		71		72	
										73	
										74	
										75	
											80

Section B: Facility Data

Name and Location of Facility Inspected <i>(For industrial users discharging to POTW, also include POTW name and NPDES permit number)</i> Butcher's Scrap & Metal, Inc. 108 L Street Hoquiam, WA 98550	Entry Time/Date 09:45 hrs 2014/03/14	Permit Effective Date January 1, 2010
	Exit Time/Date 12:30 hrs 2014/03/14	Permit Expiration Date January 1, 2015
	Other Facility Data <i>(e.g., SIC NAICS, and other description information)</i> This facility is a metal recycler. They receive metal from the public. The facility started accepting cars for wrecking. Processing was performed outside, exposed to stormwater. All of the stormwater was routed to a stormwater infiltration area. However, the area failed and two surface stormwater discharges were identified going to a roadside ditch and Grays Harbor.	
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number Lisa Middleton General Manager Phone: (360) 533-3326 Fax: (360) 532-2204		
Name, Address of Responsible Official/Title/Phone and Fax Number Carol Butcher Owner Phone: (360) 533-3326 Fax: (360) 532-2204		
	Contacted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input checked="" type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> MS4
<input checked="" type="checkbox"/> Records/Reports	<input checked="" type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pollution Prevention	
<input checked="" type="checkbox"/> Facility Site Review	<input checked="" type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Stormwater	
<input type="checkbox"/> Effluent/Receiving Waters	<input checked="" type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow	
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

Kristen Alvarez Department of Ecology Toxics Cleanup Program (TCP) and Kevin Hancock Department of Ecology Water Quality Program inspected this site.

A Department of Ecology Environmental Report Tracking System (ERTS) #64758 was filed on this facility. The caller reported, "a bad smell, yard covered in oil and black. They take transformers and other nasty stuff. Water puddles have oil sheen on them, they cut up barrels and transformer, caller took cans there for recycling and its ridiculous black everywhere. They just dump gravel down to cover all the oil. They are going to move the dirt illegally."

The inspection verified the complaint that:

- There is a lot of oil spilled throughout the site
- There are pools of oil on the ground and in stormwater
- There are sheens on standing water
- There are contaminated soils
- Found two surface water discharges to waters of the state that had high turbidity, and oil. The discharges are not being sampled as required

The inspection did not find any electrical transformers on site. Because of the concerns of PCB contamination, the Ecology inspectors took three oil samples. The samples are submitted to the Washington State Manchester Laboratory for analysis. The sample results were not available by the time of this report.

The inspection found that this facility is in violation of RCW (Revised Code of Washington) 90.48, and 90.48.080. The facility also violated WAC (Washington Administrative Code) 173.226-070, 173-226-090, and their Industrial Stormwater General Permit (ISGP). Because of these violations a \$3,000.00 Notice of Penalty #01360 for:

- Polluting waters of the state
- Failure to clean up oil spills or repair leaking equipment
- cover or containment not provided for chemical or petroleum products corrective
- Corrective Action not taken
- Not maintaining Best Management Practices (BMP)
- Not implementing BMPs
- BMP not implemented per Permit or Ecology Notice
- Monitoring not conducted as required by permit

Corrections Required was issued with the Notice of Penalty. The Corrections Required orders the facility to:

1. Immediately stop all oil and turbid discharges from leaving the site
2. Immediately cleanup all of the oil leaks and spills
3. Immediately implement secondary containment requirements found in section 3 of the permit
4. Immediately start sampling all of their surface water discharges
5. Immediately start implementing all of the BMPs listed in their SWPPP (Stormwater Pollution Prevention Plan) BMPs

Follow up inspections and possible further samplings are required for this site.

REQUIREMENT:

1. After sampling all of the surface water discharges, send the results to Ecology in accordance to sections 4 and 5 of the permit.
2. If the sampling show there is a exceedance of a benchmark parameter, implement section 8 of the permit

Verify Latitude and Longitude

Door: N 46.97387° W -123.89878°

- ☐ Announced
☒ Unannounced


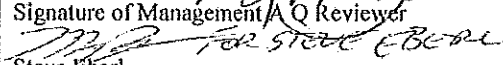
Name and Signature of Inspector Kevin P. Hancock 	Agency/ Office Number Ecology/SWRO (360) 407-6298	Date 4/11/14
Signature of Management/A Q Reviewer  Steve Eberl	Agency/ Office Number 360-407-6292 Ecology/SWRO (360) 407-6293	Date 4/11/14

Photo 1 of 12: This is the office and metal receiving area.



Photo 2 of 12: There was an unreported oily and turbid stormwater discharge from the office area. The facility is reporting No Discharge.

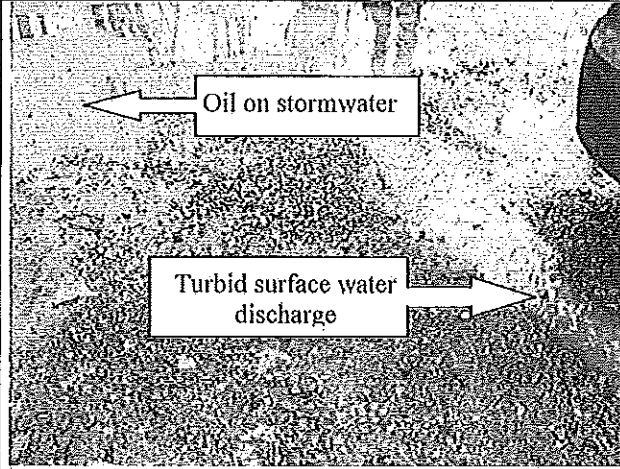


Photo 3 of 12: There is a second unreported surface water discharge from a gate on the east side of the site.

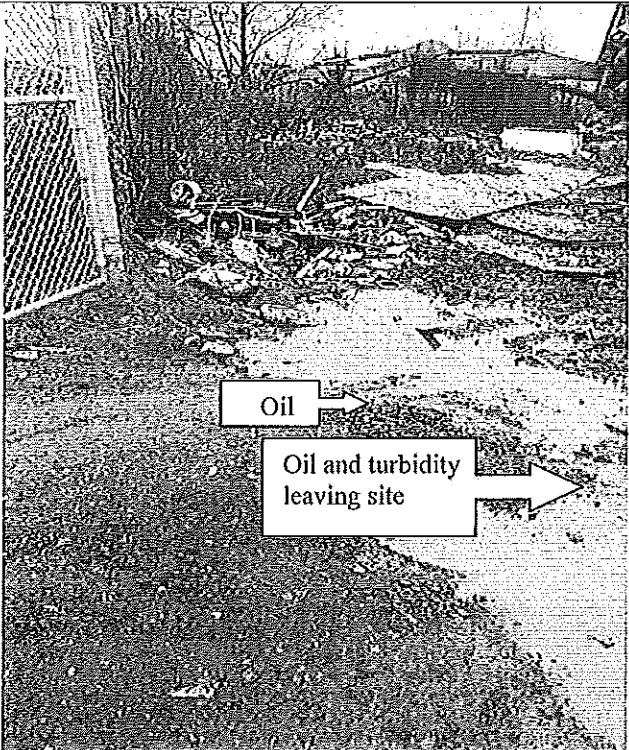


Photo 4 of 12: Secondary containment was not implemented, open oil containers, and oil leaking from drums onto the site.

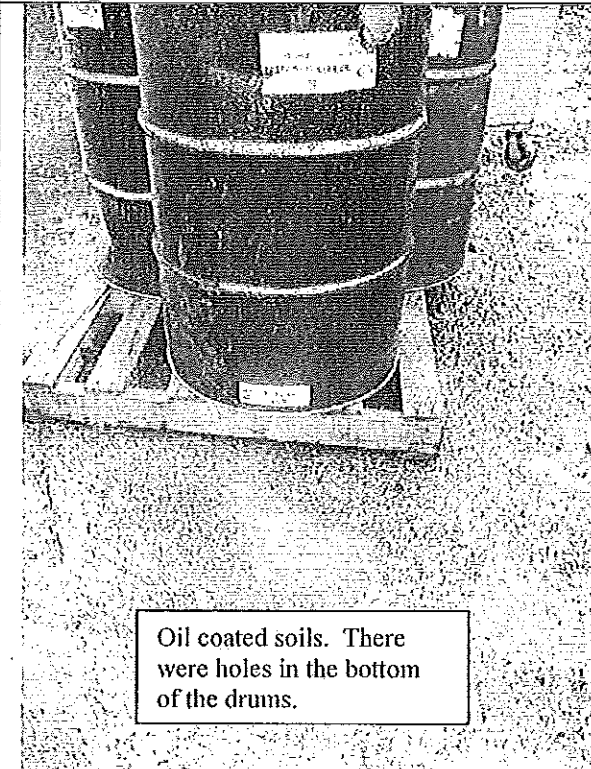


Photo 5 of 12: Equipment not being maintained contaminating soil and stormwater.

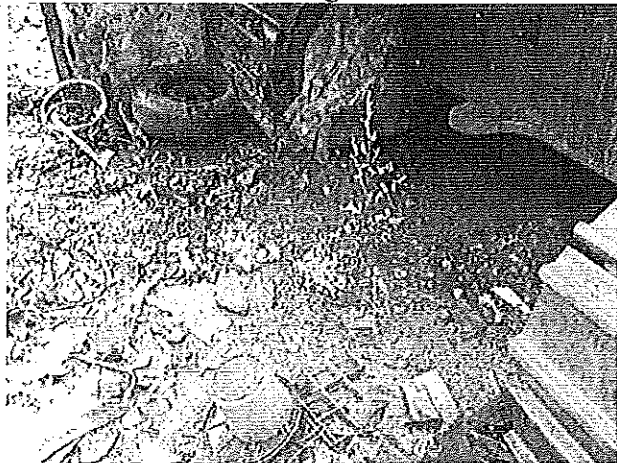


Photo 6 of 12: Open drums of metal waste not properly drained contaminating soil and stormwater.

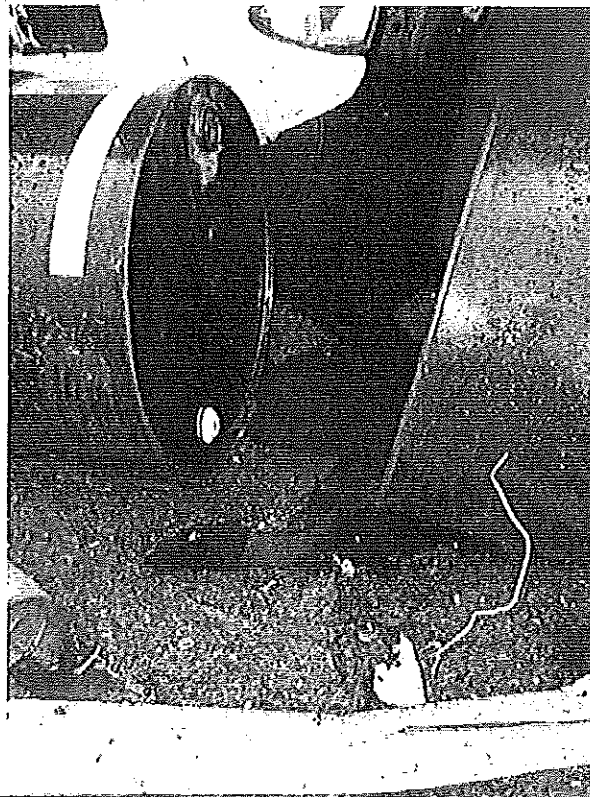


Photo 7 of 12: Batteries stored outside exposed to stormwater.

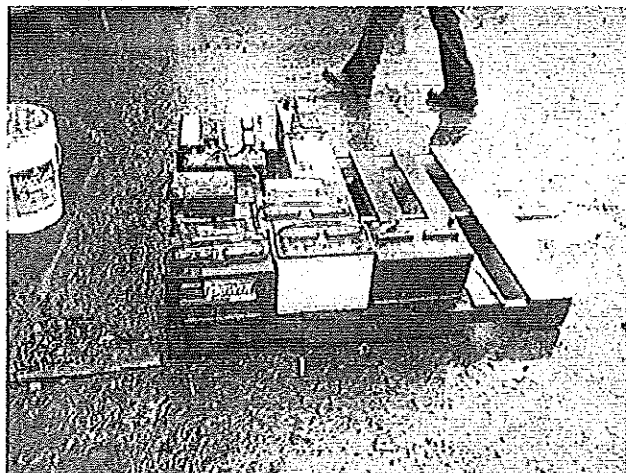


Photo 8 of 12: Open oil containers stored outside, no secondary containment and exposed to stormwater.

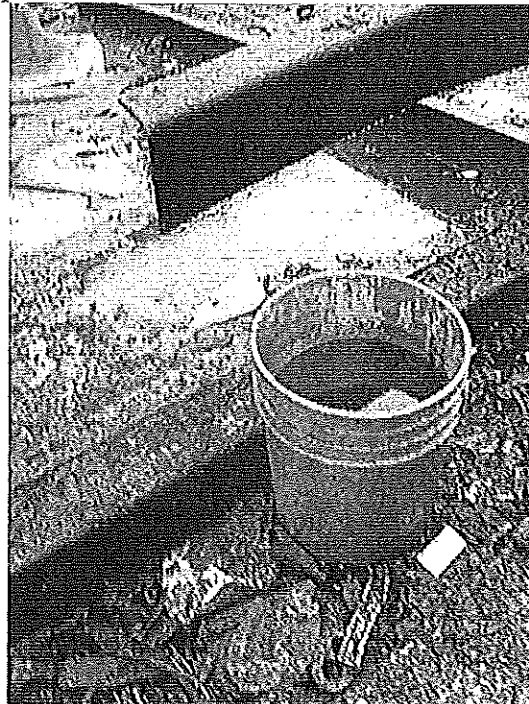


Photo 9 of 12: Ditch leaving the site to Grays Harbor had oil and high turbidity. Site not maintaining BMPs.



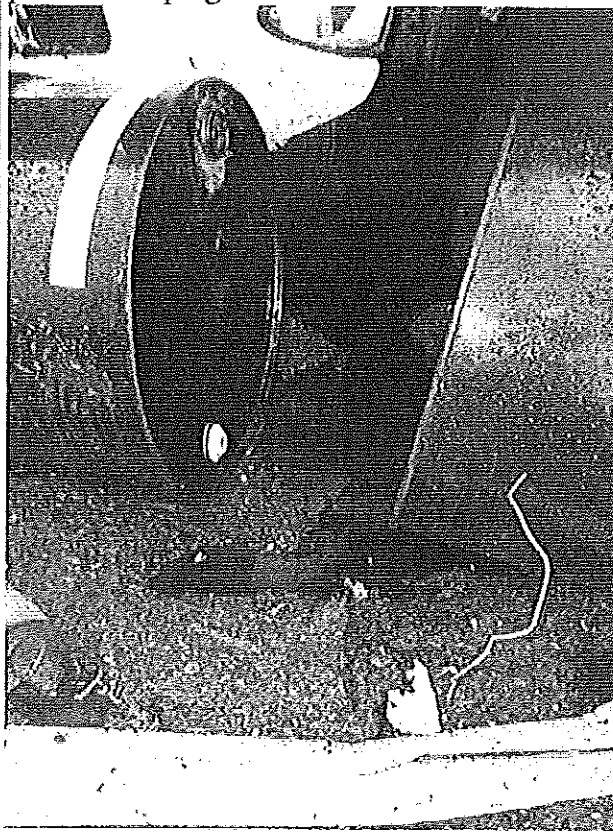
Photo 10 of 12: Sampling point 1.



Photo 11 of 12: Sampling point 2 was in the production area where heavy equipment move through the site.



Photo 12 of 12: Sampling point 3 under the pile. There were drums not properly emptied prior to scraping.





Water Quality Program

Notice of Penalty

Construction Stormwater General Permit (CSGP) ☐ Industrial Stormwater General Permit (ISGP) ☒ Sand and Gravel (S&G) General Permit ☐ Boatyard (BY) General Permit ☐

Penalty #: 01360 Permit #: WQA 001957 Agency Docket #: 106109
(for internal use only)

Responsible party: Carol Butcher / Butcher's Scrap & Metal Inc

Location of violation (site address): 1313 Western Ave. Mailing address: (if different)
108 L Street

City, State, Zip: Hoquiam, WA 98550 City, State, Zip: Hoquiam, WA 98550

Latitude and longitude (if available): N. 47.3871 - 123.878780

Date issued: 3/19/2014 Time: 12:00 Region: SWRC

Violation	Reason	Permit Condition
<input type="checkbox"/> RCW 90.48.160	Operating or discharging without a permit (all)	Does not apply.
<input checked="" type="checkbox"/> RCW 90.48.080	Polluting waters of the state (all)	
<input type="checkbox"/> RCW 90.48.080	Polluting impaired waters, discharge exceeds 303(d) limit (CSGP, ISGP, BY)	
<input type="checkbox"/> WAC 173-201A or WAC 173-200	Violating water quality standards (List specific standard violated.) (all)	
<input type="checkbox"/> RCW 90.48.080 (Unpermitted), or WAC 173-226-080 (Permitted)	Illicit discharge (all)	If Permitted.
<input type="checkbox"/> RCW 90.48.090	Denial or withdrawal of access, permitted sites only (all)	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	Process water discharge without treatment in lined impoundment (S&G)	
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	Failure to clean up oil spills or repair leaking equipment (all)	53
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	Cover or containment not provided for chemical or petroleum products (all)	53
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	Corrective Action not taken (ISGP, BY)	53 + 54
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	No Stormwater Pollution Prevention Plan (SWPPP) (all)	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	SWPPP does not meet permit requirements (all)	
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	<input checked="" type="checkbox"/> Not maintaining best management practices (BMPs) (all) <input checked="" type="checkbox"/> Not implementing BMPs (all) <input type="checkbox"/> Failure to modify SWPPP per permit or Ecology Notice (all)	53
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	<input type="checkbox"/> BMP not maintained per Permit or Ecology Notice (all) <input checked="" type="checkbox"/> BMP not implemented per Permit or Ecology Notice (all)	53
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	<input type="checkbox"/> Inspections not completed as required by permit (all) <input type="checkbox"/> Inspections do not comply with permit requirements (all)	
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-090	<input checked="" type="checkbox"/> Monitoring not conducted as required by permit (all) <input type="checkbox"/> Sampling does not comply with permit requirements (all)	54 + 56
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	<input type="checkbox"/> Not keeping site log book (CSGP) <input type="checkbox"/> Not keeping inspection reports or checklists (all)	
<input type="checkbox"/> RCW 90.48, WAC 173-226-090	<input type="checkbox"/> Did not telephone report turbidity greater than 250 NTU (CSGP) <input type="checkbox"/> Discharge Monitoring Reports, or other Permit required documents not available (all) <input type="checkbox"/> Failure to notify Ecology of noncompliance with permit requirement (all)	

Citation amount (not to exceed \$3,000.00): Under the authority of RCW 90.48.144 the Department of Ecology assesses a penalty against you in the amount of \$3,000.00. This penalty must be paid within 30 days of receipt of this citation unless you file an appeal within that time.

To ask about the availability of this document in a version for the visually impaired, call the Water Quality Program at 360-407-6401. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

I personally investigated or observed the violation(s) noted above.		Ecology Regional Offices		
Signature of Water Quality Inspector <i>Kevin P. Hancock</i>	Date 3/19/14	Bellingham Field Office 1440 10 th St Suite 102 Bellingham WA 98225 360-715-5200	Vancouver Field Office 2108 Grand Blvd Vancouver WA 98661 360-690-7171	Central Regional Office 15 W Yakima Ave Ste 200 Yakima WA 98902 509-575-2490
Printed name of Water Quality Inspector Kevin P. Hancock		Northwest Regional Office 3190 160 th Ave SE Bellevue WA 98008-5452 425-649-7000	Southwest Regional Office PO Box 47775 Olympia WA 98504-7775 360-407-6300	Eastern Regional Office 4601 N Monroe Spokane WA 99205-1295 509-329-3400
I acknowledge receipt of this action. A signature does not imply agreement.				
Signature of responsible party or site contact <i>Lisa Middleton</i>	Date 3/19/14			
Printed name of responsible party or site contact Lisa Middleton				
This action does not limit the Dept. of Ecology from taking other enforcement actions as deemed necessary. You have a right to appeal this penalty. Detailed instructions are included on this page. Immediately contact the inspector that issued this penalty if you do not understand the appeal process.				
Authority to issue penalties for these violations is found in RCW 90.48.144. Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations. We have made no determination as to whether you meet the definition of a "small business" under this section. However, we have determined that the requirements of RCW 34.05.110 do not apply to the violation(s) due to a conflict with federal law or program requirements, including federal requirements that are a prescribed condition to the allocation of federal funds to the state.				

OPTIONS FOR RESPONDING TO A NOTICE OF PENALTY

Option 1: Pay the penalty within 30 days after receiving the Notice of Penalty.

Make your payment payable to the Department of Ecology. Please include the penalty docket number on your payment.

Mall payment to:
Department of Ecology
Cashiering Unit
PO Box 47611
Olympia, WA 98504-7611

Note: Ecology may take legal action to collect the penalty if you have not paid 30 days after receiving the Notice of Penalty, and have not appealed.

Option 2: Appeal to the PCHB within 30 days after the date of receipt of the Notice of Penalty.

The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Rd. SW, 3 rd Floor Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

White copy: Responsible party

Yellow copy: Fiscal

Pink copy: Remains in book, copy to file

For additional information visit the Environmental Hearings Office website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature website: <http://www1.leg.wa.gov/CodeReviser>



Water Quality Program Corrections Required

Construction Stormwater General Permit (CSGP) <input type="checkbox"/>	Industrial Stormwater General Permit (ISGP) <input checked="" type="checkbox"/>	Sand and Gravel (S&G) General Permit <input type="checkbox"/>	Boatyard (BY) General Permit <input type="checkbox"/>
Site name: <u>Butcher's Scrap & Metal Inc.</u>		Mailing address - (if different than site) address: <u>108 L Street</u>	
Site address: <u>1313 Western Ave.</u>		City, State, Zip: <u>HOQUIAM, WA 98550</u>	
City, State, Zip: <u>HOQUIAM, WA 98550</u>		Phone: <u>360/533-3326/114</u>	
Site contact: <u>Lisa Middleton</u>		Permit #: <u>WA2001957</u>	
Ecology Inspector(s): <u>Kevin Haddock</u>		Inspection date: <u>8/19/2014</u>	
Inspector phone: <u>360/401-6298</u> FAX: <u>360/401-6305</u>		E-mail: <u>khon 461@ecy.wa.gov</u>	
Notice of Penalty Issued <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Field Citation # <u>01360</u>	
		Latitude and longitude (if available): <u>46.97511 -123.89880</u>	

The Department of Ecology (Ecology) is responsible for overseeing environmental laws that protect human health and the environment in Washington. Ecology observed violations of Chapter 90.48 of the Revised Code of Washington (RCW), Chapter 173-226 of the Washington Administrative Code (WAC), Waste Discharge General Permit Program) during this site visit. Violations observed are checked below.

Violation No.	Violation	Reason	Permit Condition
<input type="checkbox"/> 1	RCW 90.48.160	Operating or discharging without a permit (all)	
<input checked="" type="checkbox"/> 2	RCW 90.48.080	Polluting waters of the state (all)	
<input type="checkbox"/> 3	RCW 90.48.080	Polluting impaired waters, discharge exceeds 303(d) limit (CSGP, ISGP, BY)	Does not apply.
<input type="checkbox"/> 4	WAC 173-201A or WAC 173-200	Violating Water Quality Standards (List specific standard violated.) (all)	
<input type="checkbox"/> 5	RCW 90.48.090	Denial or withdrawal of access, permitted sites only (all)	
<input type="checkbox"/> 6	RCW 90.48.080, WAC 173-226-070	Process water discharge without treatment in lined impoundment (S&G)	
<input checked="" type="checkbox"/> 7	RCW 90.48.080, WAC 173-226-070	Failure to clean up oil spills or repair leaking equipment (all)	83
<input checked="" type="checkbox"/> 8	RCW 90.48.080, WAC 173-226-070	Cover or containment not provided for chemical or petroleum products (all)	83
<input checked="" type="checkbox"/> 9	RCW 90.48.080, WAC 173-226-070	Corrective Action not taken (ISGP, BY)	83 + 54
<input type="checkbox"/> 10	RCW 90.48.080, WAC 173-226-070	No Stormwater Pollution Prevention Plan (SWPPP) (all)	
<input type="checkbox"/> 11	RCW 90.48.080, WAC 173-226-070	SWPPP does not meet permit requirements (all)	
<input checked="" type="checkbox"/> 12	RCW 90.48.080, WAC 173-226-070	<input checked="" type="checkbox"/> Not maintaining best management practices (BMPs) (all) <input checked="" type="checkbox"/> Not implementing BMPs (all) <input type="checkbox"/> Failure to modify SWPPP per permit or Dept. of Ecology Notice (all)	83
<input checked="" type="checkbox"/> 13	RCW 90.48.080, WAC 173-226-070	<input type="checkbox"/> BMPs not maintained per permit or Dept. of Ecology Notice (all) <input checked="" type="checkbox"/> BMPs not implemented per permit or Dept. of Ecology Notice (all)	83
<input type="checkbox"/> 14	RCW 90.48.080, WAC 173-226-070	<input type="checkbox"/> Inspections not completed as required by permit (all) <input type="checkbox"/> Inspections do not comply with permit requirements (all)	
<input type="checkbox"/> 15	RCW 90.48.080, WAC 173-226-090	<input type="checkbox"/> Monitoring not conducted as required by permit (all) <input type="checkbox"/> Sampling does not comply with permit requirements (all)	
<input type="checkbox"/> 16	RCW 90.48.080, WAC 173-226-070	<input type="checkbox"/> Not keeping site log book (CSGP) <input type="checkbox"/> Not keeping inspection reports or checklists (all)	
<input type="checkbox"/> 17	RCW 90.48.080, WAC 173-226-090	<input type="checkbox"/> Did not telephone report turbidity greater than 250 NTU (CSGP) <input type="checkbox"/> Discharge Monitoring Reports, or other Permit required documents not available (all) <input type="checkbox"/> Failure to notify Dept. of Ecology of noncompliance with permit requirement (all)	
<input type="checkbox"/> 18			

Violation No.	Observation(s) and action(s) required to achieve compliance. (see permit conditions)	Complete or Submit Date
1	Turbid oily discharge leaving site.	Immed.
7	Cleanup oil leaks/spills	Immed.
8	Drums w/ oil w/o secondary containment	Immed.
9	Start sampling stormwater discharge (surface)	Immed.
12	Start implementing all SWPPP BMPs	Immed.

Instructions:

- These corrective action requirements are not an enforcement order and are not appealable.
- If a penalty accompanies these corrective action requirements, the penalty is appealable.
- Appeal directions are on the back of the penalty.
- Failure to comply with these corrective action requirements may result in enforcement action.

1. To comply with the water quality regulations, complete the actions identified in the table above.
2. If you have questions, contact [Signature], Ecology Inspector, at 360/407-6098.
3. To request an extension, send a written request to the Ecology Inspector by NA.

Ecology will notify you if an extension is granted. Please include all of the following:

- Reason extension is needed.
- Steps already taken.
- Description of work that remains to be completed.
- Anticipated completion date.

Send required document(s) to the appropriate Ecology office:

Bellingham Field Office
1440 10th St Ste 102
Bellingham WA 98225
360-715-5200

Vancouver Field Office
2108 Grand Blvd
Vancouver WA 98661
360-690-7171

Central Regional Office
15 W Yakima Ave Ste 200
Yakima WA 98902
509-575-2490

Northwest Regional Office
3190 160th Ave SE
Bellevue WA 98008-5452
425-649-7000

Southwest Regional Office
PO Box 47775
Olympia WA 98504-7775
360-407-6300

Eastern Regional Office
4601 N Monroe
Spokane WA 99205-1295
509-329-3400

Ecology Inspector (signature): [Signature]

Date: 3/19/14

Owner/Operator (signature): [Signature]

Date: 3/19/14

Owner/Operator (print name): [Signature]

Date: _____

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